

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JEFF McGRAW

Case No.: 23 CR 00028

Violations: Title 18, United States  
Code, Sections 922(g)(1)

**DEFENDANT'S RESPONSE TO GOVERNMENT'S EMERGENCY MOTION  
FOR REVOCATION OF RELEASE ORDER**

NOW COMES, the defendant, JEFF McGRAW, by his attorney, JOHN L. McNAMARA, P.C., in response to the government's motion for revocation of release order, and submits as follows:

At the detention hearing of 6/7/23, the Honorable Magistrate Judge Young B. Kim was fully apprised of the facts and circumstances of the alleged offense as well as Mr. McGraw 's criminal history. The Court questioned and assessed the credibility of the proposed third-party custodian, who he found to be a suitable candidate to fulfill her role. Thereafter, Magistrate Judge Young B. Kim ordered that Mr. McGraw be released on bond with home incarceration as a condition of release.

**ALLEGED OBSTRUCTIVE TELEPHONE COMMUNICATIONS**

The government bases its motion, in large part, on conclusory allegations that the defendant engaged in "obstructive conduct" based upon recorded phone calls between Mr. McGraw and his girlfriend, Ziesha Jones. For such phone calls to occur,

the answering party, after being made aware of the origin of the call via recorded message, must accept the call. This Honorable Court has read the transcript of the actual phone call between the parties. The call contains no coercive, threatening or otherwise obstructive language being offered by Mr. McGraw. The transcript is devoid of any offer of money, threats or intimidation directed against Ms. Jones or any party.

**GOVERNMENTAL MISCHARACTERIZATION OF THE ATTACK  
UPON MCGRAW AT KANKAKEE COUNTY JAIL**

A second primary basis of the government's request is based upon its mischaracterization of the events of 6/2/23 as the defendant getting into "a fight" on the day of his arrival at the Kankakee County Detention Center,

On 5/25/23, Mr. McGraw was remanded into federal custody. Shortly thereafter, he was transported to the Riverside Medical Center, near Joliet, where he was treated for pneumonia. He spent approximately four days, inpatient, at Riverside Medical Center for medical treatment for pneumonia. While at the hospital, U.S. Marshals reported that Mr. McGraw had informed them that there were individuals at Kankakee who would pose a threat to his safety. Upon his arrival at Kankakee, he was permitted to shower. At that time, movement by other detainees was supposed to be restricted. Mr. McGraw was still recovering from pneumonia and in a weakened condition. After showering, he was collecting his clothing, at which time he was violently attacked by another inmate, Grieg Macon. Mr. McGraw had to jump from

an elevated tier to escape the attack, which resulted in a broken leg. Per reports, Mr. McGraw was immediately compliant with responding corrections officers. A metal plate and two rods were surgically implanted into his leg as a result. He is currently in a wheelchair and unable to walk. Kankakee County Sheriff's reports name Macon as the "aggressor" and McGraw as the "victim". The attacker, Mr. Macon, is currently in federal custody as a result of a pre-existing weapons charge. He has been charged with at least seven prior felony cases in Cook County, which include armed violence and possession of weapon by felon matters.

**MAGISTRATE JUDGE KIM'S IN-COURT ASSESSMENT & QUESTIONING  
OF THIRD-PARTY CUSTODIAN**

On 6/7/23, Magistrate Judge Kim called the proposed third-party custodian, Ms. Estrellita Mares, to testify. She described her close relationship to McGraw's family as well as her employment as an investigator for the Department of Children and Family Services. Magistrate Judge Kim had the benefit of the Pre-trial Service's report regarding Ms. Mares, which included information regarding her position as a juvenile probation officer, for twelve years, prior to her current position as a DCFS investigator. Mr. Mares current position, as a governmental agent, empowers her to take protective custody of minors, if warranted, based upon neglectful and/or abusive conditions. Magistrate Judge Kim was in the best position to evaluate the credibility

and suitability of Ms. Mares to act as third-party custodian. Fittingly, the Court found that Ms. Mares is suitable to act as third-party custodian.

**DEFENDANT McGRAW IS NOT A FLIGHT RISK**

After hearing from all parties and assessing credibility, Magistrate Judge Kim found as follows: “I’m not seeing any risk here in terms of Mr. McGraw absconding or just ignoring Court orders in terms of having to appear in court.” Any such concerns are further allayed by the fact that Mr. McGraw is wheelchair-bound and unable to walk on his own.

**POLICY AND FAIRNESS WARRANT RELEASE WITH HOME  
INCARCERATION**

In addition to his recovery from pneumonia, it will be months before Mr. McGraw makes any recovery from his broken leg. Continued incarceration at Kankakee will severely limit McGraw’s ability to recover from such a significant injury, which he incurred as a result of an unprovoked, violent attack, which occurred upon his arrival at Kankakee. As he is unable to walk, he requires a level of care that the Kankakee facility is unable to provide. Were he to remain incarcerated at Kankakee, it is highly likely that such unprovoked attacks will recur. Were he to be released on home incarceration, Mr. McGraw would seek no movement, outside of medical appointments and other conditions recommended by Pre-trial Services.

Magistrate Judge Kim's decision is consistent with the recommendation made by the Pre-trial Services representative and should not be disturbed.

WHEREFORE, the defendant, through his attorney, respectfully requests that this Honorable Court deny the Government's Emergency Motion.

Respectfully submitted,

By: /s/John L. McNamara  
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Dated: June 11, 2023